

**United States District Court****DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

**AMENDED  
CRIMINAL COMPLAINT****Valter Ferreira Silva**

CASE NUMBER:

04-60

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 15, 2003 in Middlesex County, in the        District of Massachusetts defendant, (Track Statutory Language of Offense)

did knowingly possess a false identification document which appeared to be issued by or under the authority of the United States, knowing that such document was produced without lawful authority

in violation of Title 18, United States Code, Section(s) 1028(a)(6) ;

I further state that I am a(n) Special Agent, Social Security Administration and that this complaint is based on the following facts:

Official Title

**See Attached Affidavit**

Continued on the attached sheet and made a part hereof:



Yes



No

Signature of Complainant

Vance Ely

Special Agent, Social Security Administration  
United States Department of the Treasury

Sworn to before me and subscribed in my presence,

September 10, 2004

Date

at

Boston, Massachusetts

City and State

Lawrence P. Cohen, United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT VANCE ELY

I, Vance Ely, having been duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent with the United States Social Security Administration ("SSA"), Office of the Inspector General, Office of Investigations, Boston Field Office, since May 1997. My duties include investigating violations of Title 42 and Title 18 of the United States Code. During the period of my employment, I have conducted numerous investigations of fraud and other criminal violations. I was previously employed by the United States Department of Justice, Immigration & Naturalization Service, as an Immigration Inspector for 4 ½ years. I also hold a Bachelor of Science degree from Westfield State College.

2. SSA is an agency within the Executive Branch of the United States Government responsible for approving applications for Social Security Numbers and issuing Social Security Number Cards to eligible applicants, as well as managing and administering retirement, disability, survivor benefits, and Supplemental Security Income programs to our nation's eligible beneficiaries.

3. The Social Security Act (42 U.S.C. §301 et seq.) was enacted in 1935 to provide for the general welfare by establishing a system of Federal Benefits. The Social Security Number ("SSN"), a nine digit number, was devised as a means to keep track of the earnings of individuals who work under covered employment. Along with the SSN, the Social Security Number Card ("SSNC") was created. SSNCs are issued with or without employment restrictions depending upon the eligibility of the individual making application. The Social Security Number Card bears a Social Security Number; shows the name of the person whose record is identified by that SSN, and contains a space for the person's signature.

4. The information set forth in this affidavit is based on my own investigation, my review of relevant SSA records, and information provided by others. This affidavit does not contain all information received during the course of the investigation but contains those facts that I believe are necessary and sufficient to establish probable cause for the issuance of the requested criminal complaint charging Valter Ferreira Silva with fraud in violation of 18 U.S.C. §1028(a)(6).<sup>1</sup>

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<sup>1</sup>18 U.S.C. §1028(a)(6) provides in pertinent part: Whoever ... knowingly possesses an identification document that is or appears to be an identification document of the United States which is ... produced without lawful authority knowing that such document was ... produced without such authority [shall be guilty of a crime].

5. Valter Ferreira Silva is a native and citizen of Brazil and, according to records maintained by Immigration and Customs Enforcement, at all relevant times he has not been present legally in the United States.

6. As an alien illegally present in the United States, Valter Ferreira Silva is not entitled to receive a Social Security Account number card.

7. On October 21, 2001, Valter Ferreira Silva applied for a Social Security Account number card. Valter Ferreira Silva falsely represented on the application, known as an SS-5, that he was a legal alien allowed to work, knowing that, in truth and in fact, he was not a legal alien allowed to work.<sup>2</sup>

8. As a result of providing false information, Valter Ferreira Silva received and possessed a Social Security card with social security account number 032-84-5372.

9. On or about January 15, 2003, Valter Ferreira Silva applied for a Massachusetts driver's license in Middlesex County using the SSN he fraudulently obtained.

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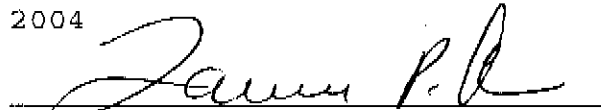
<sup>2</sup>Defendant's SS-5 application was processed by former SSA employee Jesse Rocha. On September 8, 2003, he pled guilty to conspiracy to commit fraud in connection with identification documents in violation of 18 U.S.C. §1028(f); conspiracy to commit offenses against the United States in violation of 18 U.S.C. §371; conspiracy to launder monetary instruments in violation of 18 U.S.C. §1956(h) and fraud and misuse of documents in violation of 18 U.S.C. §1546(a). During his plea colloquy, Rocha admitted to processing and approving over 1700 applications for SSNCs for illegal aliens during the period from April 2000 to December 2002. See Ind. 02-10405-GAO.

Based upon the foregoing information, I believe there is probable cause to believe that on or about January 15, 2003, Valter Ferreira Silva did knowingly possess an identification document that is or appears to be an identification document of the United States which was ... produced without lawful authority knowing that such document was ... produced without such authority in violation of Title 18, United States Code, Section 1028(a)(6).



Vance Ely  
Special Agent  
United States Social Security  
Administration  
Office of Inspector General

Subscribed and sworn to before me this 10<sup>th</sup> day of September, 2004



LAWRENCE P. COHEN  
UNITED STATES MAGISTRATE JUDGE